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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,000	02/08/2002	Par Willars	2380-601	8454

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EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/068,000	<b>Applicant(s)</b> WILLARS ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10, 12-14, 17-25, 28, 30, 32-34, 37-45, 48, 52-54, 57-62, 65, 67, 69-71, 74-78 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 11, 15, 16, 26, 27, 29, 31, 35, 36, 46, 47, 49-51, 55, 56, 63, 64, 66, 68, 72 and 73 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Feb. 02, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claims 1, 21, 41, 58, and 75, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "does not teach a subscriber of network B having access to some cells of network A for which network B has competing cells"). Examiner respectfully disagrees in Rune's reference fig.2, there are two networks 120 (the first operator network and the second operator network) has a competing cells (base stations 130). With this broadest reasonable interpretation therefore, the previous rejection is proper.

Reply to rejection formulated under 35 USC § 103(a). The present application is continuation in part and filed on Feb. 08, 2002 after November 19, 1999. Therefore, the rejection formulated under 35 USC § 103(a) is proper.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-2, 18-22, 38-42, 58-59, 75-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Rune (6,212,390).

Regarding claim 1, Rune discloses a method for use in a radio access network of a first operator network having cells which are eligible for utilization by a user equipment unit which is in a connected mode and which subscribes to a second operator network, (see fig.2, 120, 130, 70 and its description) the method comprising: designating as a restricted cell any cell of the first operator network for which the second operator network has a competing cell (see abstract fig.2, 120, 130, 70 and its description); and rejecting attempted utilization by the user equipment unit which subscribes to the second operator network of the restricted cell (see abstract fig.5, steps 560-580 and its description).

Regarding claims 2, 18-20, 22, 38-40, 42, 59, 76-78, Rune further comprises rejecting one of (1) handover to the restricted cell, and (2) cell/URA updating by the user equipment unit via the restricted cell (see fig.5, element 560-580, col.8, lines 5-18).

Regarding claim 21, Rune discloses a radio access network of a first operator network having cells which are eligible for utilization by a user equipment unit which is in a connected mode and which subscribes to a second operator network (see fig.2, 120, 130, 70 and its description); the radio access network comprising: means for designating as a restricted cell any cell of the first operator network for which the second operator network has a competing cell (see abstract fig.2, 120, 130, 70 and its description); means for rejecting attempted utilization by the user equipment unit which

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subscribes to the second operator network of the restricted cell (see abstract fig.5, steps 560-580 and its description).

Regarding claim 41, Rune discloses a radio access network of a first operator network, the network comprising: at least one base station having a radio frequency signal monitored by a user equipment unit, the user equipment unit being in a connected mode and subscribing to a second operator network (see fig.2, 120, 130, 70 and its description); a control node which controls the at least one base station (see fig.2, 120, 130, and its description); a PLMN filter which rejects attempted utilization, by the user equipment unit which subscribes to the second operator network, of a restricted cell of the first operator network, the restricted cell being a cell of the first operator network for which the second operator network has a competing cell (see abstract fig.5, steps 510-580 and its description).

Regarding claims 58, 75, Rune discloses a control node of a radio access network of a first operator network which rejects attempted utilization, by a user equipment unit which subscribes to the second operator network, of a restricted cell of the first operator network, the restricted cell being a cell of the first operator network for which the second operator network has a competing cell (see abstract fig.2, 120, 130, 70, fig.5, 510-580 and its description).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 23, 43, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune (6,212,390) in view of Muller (6,438, 375).

Regarding claims 3, 23, 43, and 60, Rune discloses all the subject matters described in rejected claims, except for the user equipment unit is in one of a cell\_DCH state, a cell\_FACH state, a cell\_PCH state, and a URA\_PCH state. However, Muller discloses a cellular system have evolved, plural control channels have been used such as a paging channel (PCH), forward access channel (FACH) used by the base station to acknowledge mobile (see fig.6, col.2 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a cell\_FACH state of Muller to the system of Rune in order to improve the performance of location registration, call origination, page response, and other types of access operations.

6. Claims 4-5, 8, 10, 13-14, 17, 24-25, 28, 30, 33-34, 37, 44-45, 48, 53-54, 57, 61-62, 65, 67, 70-71, and 74, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune (6,212,390) in view of Anderson et al. (6,230,017).

Regarding claims 4-5, 8, 10, 13-14, 17, 24-25, 28, 30, 33-34, 37, 44-45, 48, 53-54, 57, 61-62, 65, 67, 70-71, and 74, Rune discloses all the subject matters described in rejected claims, except for IMSI and identification of target cell. However, Anderson discloses geographical restriction in cellular telecommunications network comprises: obtaining an international mobile subscriber identity (IMSI) of the user equipment unit and an identification of the target cell; using the IMSI to determine at the first operator

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network whether the target cell is a restricted cell; and if so; rejecting the handover (see fig.1C, fig.2C and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a IMSI in order to identify a subscriber to mobile service used internationally to a GSM (Global System to Mobile Communication) network.

7. Claims 12, 32, 52, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune (6,212,390) in view of Anderson et al. (6,230,017) and further view of Muller (6,438, 375).

Regarding claims 12, 32, 52, and 69, Rune and Anderson disclose all the subject matters described in rejected claims, except for the user equipment unit is in one of a cell\_DCH state, a cell\_FACH state, a cell\_PCH state, and a URA\_PCH state. However, Muller discloses a cellular system have evolved, plural control channels have been used such as a paging channel (PCH), forward access channel (FACH) used by the base station to acknowledge mobile (see fig.6, col.2 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a cell\_FACH state of Muller in order to improve the performance of location registration, call origination, page response, and other types of access operations.

***Allowable Subject Matter***

8. Claims 6-7, 9, 11, 15-16, 26-27, 29, 31, 35-36, 46-47, 49-51, 55-56, 63-64, 66, 68, and 72-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2683

Jun. 15, 2005.